



May 17, 2007 via electronic transmission

Mr. Karl E. Longley, Chair
Central Valley Regional Water Board
11020 Sun Center Dr. #200
Rancho Cordova, CA 95670

RE: Water Quality Criteria Plan

Dear Chairman Longley:

On behalf of CropLife America (CLA), I appreciate this opportunity to comment on the current efforts of the Central Valley Regional Water Quality Control Board (Regional Board) to develop new methodology for establishing water quality criteria specifically for pesticides. CLA is a non-profit trade organization representing the nation's developers, manufacturers, formulators and distributors of plant science solutions for agriculture and pest management in the U.S. Our member companies produce, sell and distribute virtually all the crop protection technology products used by American farmers.

CLA is concerned about the intent and appropriateness of the Regional Board initiative and its implications on the policy and technical regulatory structure for crop protection products on both a state and federal level. CLA is concerned that this new methodology and its anticipated use has the potential to effectively insert this Regional Board into the establishment of pesticide use criteria and restrictions in a manner that effectively bypasses and potentially duplicates the existing registration, labeling and federal water quality regulatory structure for these products. CLA is also concerned that the Regional Board is taking on the formidable task of developing what appears to be a new national criteria derivation process. The process has not identified deficiencies in the methods used by USEPA and the California Department of Fish and Game. We believe the role of the Regional Board should instead focus on how available tools can best be applied or adjusted to take into account the site-specific or regional ecosystem characteristics found in the Central Valley.

CLA has the following specific concerns regarding the planned scientific approach to development of such methodology as presented in the December 2006 University of California-Davis Report entitled "Methodology for Derivation of Pesticide Water Quality Criteria (WQC) for the Protection of Aquatic Life in the Sacramento and San Joaquin River Basins: Phase II: Methodology Development and Derivation of Chlorpyrifos Criteria" (UC-Davis Report) by Dr. Patti TenBrook and Dr. Ronald Tjeerdema.

- (1) The protection goal is not defined. The widely accepted concept that aquatic ecosystems can tolerate some stress and therefore protection of all species always and everywhere is not necessary (USEPA 1985 method) is not discussed in the context of protection goals that will be met by the new proposed method.
- (2) The need for a new method is not explained. Existing methods are capable of dealing with both robust and sparse toxicity data sets.
- (3) Specific procedures in the new proposed method exclude data that may have been used previously in existing methods, resulting in greater uncertainty in the final acute and chronic criteria for pesticides, and failing to consider the best available data.
- (4) Making a rigid recommendation to take action in all cases when any level of exceedance occurs above a highly protective criterion value more than once in a three-year period is not scientifically justified.

CLA strongly urges the Regional Board to reconsider implementing plans to develop new methodology for establishing water quality criteria specifically for pesticides.

Sincerely,


Dee Ann Staats, Ph.D.
Environmental Science Policy Leader

Copy: Mr. Joe Karkoski, Senior Water Resources Engineer